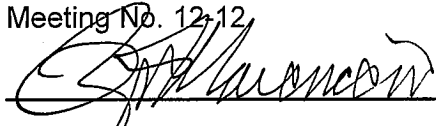
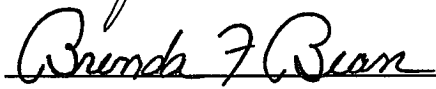


APPROVED: Meeting No. 12-12

ATTEST:

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND

October 24, 2011

7:00 pm

Meeting No. 31-11

PRESENT:

Mayor Phyllis Marcuccio, Councilmember John Britton, Councilmember Piotr Gajewski, Councilmember Bridget Donnell Newton, and Councilmember Mark Pierzchala

STAFF PRESENT:

City Manager Scott Ullery, Acting City Clerk Brenda Bean and City Attorney Debra Daniel

1. Convene

The Mayor and Council of Rockville convened in a regular meeting on Monday, October 24, 2011 at 7:00 pm. in the Mayor and Council Chambers, 111 Maryland Avenue, Rockville, Maryland.

2. Pledge of Allegiance

The Mayor led the Pledge of Allegiance.

3. Agenda Review

There were no changes to the agenda.

4. City Manager's Report

Mr. Ullery reported:

- 1) The 16th annual F. Scott Fitzgerald literary conference would be held this coming Saturday, October 29th.
- 2) The Rockville Summit was held on October 18 and was a resounding success. Mr. Ullery thanked the Mayor and Council, the panel members, city staff, and the general public for participation in the event.
- 3) Rockville was honored by the Montgomery County Department of Transportation in recognition for the: College Gardens Park Stormwater Management project; the Veirs Mill Road Landscape enhancement project; and the Ponds at Fallsgrove.

- 4) The City Manager then introduced a video that was played which showed highlights from Councilmember Britton's time on the Rockville City Council.

5. Proclamation Recognizing Rockville Holiday Drive

Mayor Marcuccio read the proclamation.

Motion: to recognize the 2011 City of Rockville Holiday Drive.

Moved by Councilmember Britton, seconded by Councilmember Newton and unanimously approved.

6. Proclamation declaring November 2011 as Municipal Government Works Month.

Councilmember Mark Pierzchala read the proclamation and presented it to Linda Moran, Assistant to the City Manager.

Motion: to declare November 2011 as Municipal Government Works Month.

Moved by Councilmember Britton, seconded by Councilmember Pierzchala and unanimously approved.

7. Proclamation declaring the week of October 24 - October 31, 2011 as Economic Development Week in Rockville.

Councilmember Newton read the proclamation and presented it to Sally Sternbach and Lynne Benzion of Rockville Economic Development, Inc.

Motion: to proclaim week of October 24 - October 31, 2011 as Economic Development Week in Rockville.

Moved by Councilmember Pierzchala, seconded by Councilmember Britton and unanimously approved.

8. Presentation - Metropolitan Center for Visual Arts at Rockville ("VisArts") - Update

Alice Nappy, the Executive Director of VisArts, presented the report to the Mayor and Council reporting on the various classes, exhibits and programs that VisArts provides. In partnership with Federal Realty, free art activities and pottery demonstrations were offered in Town Square. She spoke of the expansion of the Board of Directors, as well as other upcoming events and activities planned in commemoration of the VisArts 25th anniversary.

9. Citizen's Forum

Citizen

Issue

Jim Marrinan

Thanked John Britton for his services; candidate debates; and a nonprofit group to encourage greater civic participation by members of the community

Carol McCormick	New city residents, thumbs up to the Public Works Department and the White Tail Deer Task Force
Drew Powell	Transparency; candidate finance reporting
Tracy Pakulniewicz	Thank you to John Britton, the nice tone of the campaign
Bob Ekman	Rockville Science Café
Pat Weaver	Deer
Virginia Onley	Appreciation to the City Council
Joe Jordan	RedGate; Campaign Fund Report due date
Tom Curtis	Deer
Alice VonSaunders	Transparency in campaign fund reporting

10. Mayor and Council's Response to Citizen's Forum and Announcements

The following members of the Mayor and Council made comments in response to Citizens' Forum: Mayor Marcuccio and Councilmembers, Pierzchala, Britton, Newton, Gajewski.

11. Appointments & Announcement of Vacancies Appointment, Reappointment and announcement of Boards and Commission of Vacancies

Motion: to reappoint David Celeste, Jr. as Chair of the Board of Supervisors of Elections as a member until October 1, 2015.

Moved by Councilmember Pierzchala, seconded by Councilmember Britton, with Mayor Marcuccio, and Councilmembers Britton, Gajewski, and Pierzchala approving, and Councilmember Newton abstaining.

Motion Passed: 4 approved - 0 opposed - 1 abstained

Motion: to appoint Melvin Willis as a member to the Traffic and Transportation Commission until October 1, 2014.

Moved by Councilmember Britton, seconded by Councilmember Pierzchala and unanimously approved.

12. Consent Agenda

A. Award for Bus Shelter Advertising to Creative Outdoor Advertising for purchasing, installing and maintaining new shelters with advertising.

Motion: to approve Consent Agenda Item A.

Moved by Councilmember Mark Pierzchala, seconded by Councilmember Gajewski with Mayor Phyllis Marcuccio, and Councilmembers Britton, Gajewski and Pierzchala approving and Councilmember Newton opposing.

B. Resolution Supporting Rockville's Participation in the Sustainable Maryland Certified Municipal Certification Program. 8:20 pm

Motion: to approve Consent Agenda Item B.

Moved by Councilmember Pierzchala, seconded by Councilmember Newton and unanimously approved.

13. **Adoption of an Ordinance to Amend Ordinance #6-11 to Appropriate Funds and Levy Taxes for Fiscal Year 2012.**

Motion: to adopt Ordinance to Amend Ordinance #6-11 to Appropriate Funds and Levy Taxes for Fiscal Year 2012

Moved by Councilmember Pierzchala, seconded by Councilmember Britton and unanimously approved.

14. **Approval - Naming Rights Agreement with Street Retail, Inc. for Rockville Town Square Pavilion Stage**

Motion: to approve the Naming Rights Agreement with Street Retail, Inc. for Rockville Town Square Pavilion Stage

Moved by Councilmember Gajewski, seconded by Councilmember Newton and unanimously approved.

15. **Approval - Review of facade treatment for Dawson's Market, Town Square**

Planner Deane Mellander presented the background and staff report. He said that the the Mayor and Council initially approved the use permits for this project in March, 2004 which encompasses the proposed grocery store. As part of the conditions of approval, the Mayor and Council would approve the following:

- The location of the rough door and window openings for the grocery store;
- The facade amenity details and bus stop design for Block 1 along North Washington Street;
- The treatment of the garage vent opening along North Washington Street;
- The exterior signage plan for the grocery store.

Mr. Mellander said that all of these conditions have now been met with the exception of the facade amenity details for the grocery store. Ensuing discussion included the need to draw attention to the underground parking; and the beer and wine component to the grocery store.

Motion: to approve the facade treatment for Dawson's Market, Town Square

Moved by Councilmember Newton, seconded by Councilmember Pierzchala and unanimously approved.

16. **Adoption of Ordinance to approve SCA2011-00099 - Application to permanently close and abandon an unimproved public right-of-way, adjacent to 210 Woodland Road, between Woodland Road and Ashley Manor Drive SCA2011-00099.**

Transportation Planner Matt Folden stated that there was no staff presentation, just the adoption of the Ordinance.

Councilmember Newton said that she had met with Gustavo Alonso-Moreno and Thomas Warmack, the property owner at 220 North Grandin Avenue and that Mr. Alonso-Moreno and Mr. Womack said that the abandonment from Woodland Road to 220 North Grandin would be sufficient and would make everyone happy. They wanted a solution that everyone would be comfortable with. Ensuing discussion included: arriving at a solution that would satisfy all the property owners; possibility of granting a waiver; issues associated with accessory building outside the rear yard setback; problems associated with abandoning half of the right of way; and the possibility of extending the time for a decision.

Motion: to adopt resolution to extend time for a decision.

Moved by Councilmember Gajewski , seconded by Councilmember Newton and unanimously approved.

Motion: to reopen the record until December 5, 2011.

Moved by Councilmember Mark Pierzchala, seconded by Councilmember Newton and unanimously approved.

17. **Adoption of Ordinance to approve Sectional Map Amendment MAP2011-00110, to change zoning from Park to Park-HD (Historic District) at 603 Edmonton Drive, known as Glenview at Rockville Civic Center (see Attachments A and B).**

Motion: to adopt Ordinance to approve Sectional Map Amendment MAP2011-00110, to change zoning from Park to Park-HD (Historic District) at 603 Edmonton Drive, known as Glenview at Rockville Civic Center (see Attachments A and B).

Moved by Councilmember Britton, seconded by Councilmember Gajewski and unanimously approved.

18. **Adoption of Ordinance to grant Local Map Amendment MAP2011-00111 to rezone 2.81 acres of land in the Light Industrial (I-L) Zone at 1300-1338 East Gude Drive and 14801 Southlawn Lane, also known as Part of Lot 12, Block B, Burgundy Park Subdivision, to be placed in the Mixed-Use Employment (MXE) Zone; BP Associates Limited Partnership, applicant (see Attachment A).**

Motion: to adopt Ordinance to grant Local Map Amendment MAP2011-00111 to rezone 2.81 acres of land in the Light Industrial (I-L) Zone at 1300-1338 East Guide Drive and 14801 Southlawn Lane, also known as Part of Lot 12, Block B, Burgundy Park

Subdivision, to be placed in the Mixed-Use Employment (MXE) Zone; BP Associates Limited Partnership, applicant

Moved by Councilmember Britton, seconded by Councilmember Piotr Gajewski and unanimously approved.

19. **Adoption of ordinance to amend the Zoning Map by adding 3.12 acres of land, more or less, known as Part of Lot 12, Block B, Burgundy Park, and placing said property in the MXE, Mixed Use Employment Zone related to Annexation petition ANX2011-00140; BP Associates Limited Partnership, petitioner**

Motion: to adopt ordinance to amend the Zoning Map by adding 3.12 acres of land, more or less, known as Part of Lot 12, Block B, Burgundy Park, and placing said property in the MXE, Mixed Use Employment Zone related to Annexation petition ANX2011-00140; BP Associates Limited Partnership, petitioner

Moved by Councilmember Pierzchala, seconded by Councilmember Britton and unanimously approved.

20. **Adoption of Ordinance to amend the zoning map by adding 4.37 acres of land, more or less, known as Parcel A and Parcel 137, Reeds Addition to Derwood, located at 15955 Frederick Road, and placing said property in the MXTD (Mixed Use Transit District), Zone related to Annexation petition ANX2010-00139; Silverwood/Shady Grove, LLC, applicant.**

Motion: to adopt Ordinance to amend the zoning map by adding 4.37 acres of land, more or less, known as Parcel A and Parcel 137, Reeds Addition to Derwood, located at 15955 Frederick Road, and placing said property in the MXTD (Mixed Use Transit District), Zone related to Annexation petition ANX2010-00139; Silverwood/Shady Grove, LLC, applicant

Moved by Councilmember Pierzchala, seconded by Councilmember Gajewski with Councilmembers Britton, Gajewski, and Pierzchala approving, and Mayor Marcuccio, and Councilmember Newton opposing.

Motion Passed: 3 approved - 2 opposed - 0 abstained

21. **Approval of funding allocations, transmitting the grant application and authorizing the City Manager to sign an agreement with Montgomery County for the Community Development Block Grant (CDBG) program (Program Year 38).**

Motion: to approve funding allocations, transmitting the grant application and authorizing the City Manager to sign an agreement with Montgomery County for the Community Development Block Grant (CDBG) program (Program Year 38).

Moved by Councilmember Newton, seconded by Councilmember Pierzchala and unanimously approved.

22. **Adoption of Ordinance to amend Chapter 8 entitled "Elections," Section 8-77(a) so as to correct a typographical error to the subsection reference from 8-78(b) to 8-78(d), and to make other technical changes.**

Councilmember Gajewski recused himself from this item, as well as the next two agenda items.

Motion: to adopt Ordinance to amend Chapter 8 entitled "Elections," Section 8-77(a) so as to correct a typographical error to the subsection reference from 8-78(b) to 8-78(d), and to make other technical changes

Moved by Councilmember Pierzchala, seconded by Councilmember Britton and unanimously approved. Mayor Marcuccio, Councilmembers Britton, Newton and Pierzchala approved. Councilmember Gajewski recused.

23. **Introduction and Adoption Ordinance to amend Section 8-81 of Chapter 8 of the Rockville City Code entitled "Elections" so as to amend the filing deadlines for election reports.**

Based on the earlier recommendation of Dave Celeste, Chair of the Board of Supervisors of Elections, there was agreement by the Mayor and Council to postpone this, along with the next item on the agenda, until after the election.

24. **Adoption of Resolution to revise and adopt City of Rockville Campaign Policies**

Councilmember Britton said that this mandates a public discussion about the benefits and detriments about using public facilities but that we need to get out of the election season to talk about these things. Councilmember Pierzchala said that it is too bad that the issue of campaign materials in city facilities was not discovered six months ago and that there needs to be clear language so that candidates know what to expect. Mayor Marcuccio said that there are many areas in this document that need discussion in a bigger way.

There was agreement to leave this for the next council to hammer out.

25. **Adoption of Resolution to modify the admissions and amusement tax**

Motion: to adopt Resolution to modify the admissions and amusement tax

Moved by Councilmember John Britton, seconded by Councilmember Piotr Gajewski and unanimously approved.

26. **Adoption of Resolution to exempt from City of Rockville real and personal property tax the leasehold interest of any person or entity that operates a golf course on property owned by the City of Rockville**

Motion: to adopt Resolution to exempt from City of Rockville real and personal property tax the leasehold interest of any person or entity that operates a golf course on property owned by the City of Rockville

Moved by Councilmember Pierzchala, seconded by Councilmember Britton and unanimously approved.

27. **Mayor and Council Liaisons to Boards and Commissions Report**

Councilmember Pierzchala said that he had attended a Politics in Business dinner that was sponsored by Gazette and won the door prize. He said he had also attended the Rockville Bike Advisory Committee meeting the next night and won another door prize!

Councilmember Newton reported that she had attended The Redgate Cup, the Sister City Wine Tasting, and fundraiser for the VFW 'Battle of the Bands.' Councilmember Newton reminded the audience of two upcoming important dates: Election Day on November 8 and Veterans' Day on November 11. She said that she had the privilege of attending a reception at Rockville High School to celebrate the selection of Eddie Kirk to the U.S. Army All-American Marching Band. She said that Eddie is a senior at Rockville High School, and was one of 125 students selected out of thousands who auditioned. Councilmember Gajewski said he had also attended the Sister City Wine Tasting and enjoyed it immensely.

By virtue of his stepping down from office, Councilmember Britton said that he could no longer serve on the Board of the Council of Governments and recommended that a replacement be named. He would, however, be interested in serving as COG's non-elected official. His position on the Montgomery County Pedestrian and Traffic Safety Advisory Commission, appointed through the Maryland Municipal League, will also need to be filled.

28. Review & Comment regarding Future Agendas

Councilmember Pierzchala mentioned the minutes of the first meeting after the 2009 election where newly elected officials were given the opportunity to comment at the beginning of the meeting. He requested that this opportunity also be afforded the newly elected body following the 2011 election.

29. Review & Comment regarding Mayor and Council Action Report

With respect to the City Clerk position, Councilmember Newton said she thought this item was to be a discussion and worries that it might be getting too far down the road. Councilmember Pierzchala agreed and said it was his understanding that the direction given was to have staff provide information for a future discussion.

30. Old/New Business

Mr. Ullery reported on two documents left on the dais for the Mayor and Council: a June 13 memo on legislative priorities and an email regarding next steps on the statewide stormwater management legislation. Mr. Ullery said it was his desire for the body to endorse this, or to provide some other direction. Mayor Marcuccio asked if it could be dealt with in January and Mr. Ullery responded that the Legislative Session will have begun in January and thought this item to be timely in view of the comments made at the recent joint meeting with the County Council.

Councilmember Pierzchala said that there is a huge learning curve with Stormwater Management issues and that we need to be timely with what the County is doing during the legislative session. January would be too late for our opinion. Mayor Marcuccio said that she had concerns with the process and also the fact that this item would be handled in the interim space, to wit, between the election on November 8 and the swearing in of the new council on November 28. Councilmember Gajewski said that these issues are not controversial and would prefer to continue to tap into the talents of Councilmembers Britton and Pierzchala on this matter. Councilmember Newton said that she is fine with the continuation of Councilmembers

Britton and Pierzchala at the County level, and that any member of the Rockville Council, at any time, could meet with the County on any issue. From a procedure standpoint, she did not think this was handled in the best manner.

31. **Adjourn to Executive Session pursuant to Section 10-508(a)(1)(i) and (ii) and Section 10-508(a)(7) of the State Government Article of the Annotated Code of Maryland to discuss the compensation of an individual over whom it has jurisdiction, to discuss a personnel matter that affects one or more specific individuals, and to consult with counsel to obtain legal advice regarding a personnel matter.**

Motion: to Adjourn to Executive Session pursuant to Section 10-508(a)(1)(i) and (ii) and Section 10-508(a)(7) of the State Government Article of the Annotated Code of Maryland to discuss the compensation of an individual over whom it has jurisdiction, to discuss a personnel matter that affects one or more specific individuals, and to consult with counsel to obtain legal advice regarding a personnel matter.

Moved by Councilmember Newton, seconded by Councilmember Pierzchala and unanimously approved. The Mayor and Council adjourned to Executive Session at 10:36 p.m.